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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,064	02/20/2004	Steven E. Brown	5720	6305
7590 Milliken & Company P.O. Box 1927 Spartanburg, SC 29304		04/17/2007	EXAMINER KHAN, AMINA S	
			ART UNIT 1751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/783,064

Applicant(s)

BROWN ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 41-46, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 41-46, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 10, 2007 has been entered.
2. Claims 1-10,41-46,49 and 50 are pending. Claims 11-40,47 and 48 have been cancelled. Claims 49 and 50 are new.
3. The 35 U.S.C. 112 rejection of claims 47 and 48 is withdrawn in view of applicant's cancellation of the claims.
4. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) for the reasons set forth in the previous office action.
5. Claims 2,8,9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) in view of Roberts et al. (US 6,125,498) for the reasons set forth in the previous office action.

6. Claims 3-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) in view of shoplet.com for the reasons set forth in the previous office action.

7. Claims 7 and 41-46 stand are rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec01/ec0074/index.html>) and further in view of Hoxie (US Patent 3,184,781) for the reasons set forth in the previous office action.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594).

Froehlich et al. teach methods of cleaning carpets where compositions comprising 30-90% particulate polymeric urea-formaldehyde having a particle size of 10-105 microns and a oil absorption value of no less than 90, and about 10-70% fluid, wherein the fluid is up to 100% water and the water contains sufficient surfactant to give

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a surface tension of less than 40 dynes per centimeter (column 1, lines 40-52; column 2, lines 40-50; column 4, lines 1-4), and optionally dust suppressants (column 3, lines 45-58) and up to about 1% mildewcides (column 7, lines 5-10) are applied to carpets. Froehlich et al. further teach methods of agitated into the carpet, dried and removed by vacuum cleaner (column 5, lines 45-55).

Froehlich et al. does not teach air as a component of the compositions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the compositions and methods of Froehlich et al. would encompass air at the claimed ranges because air would be trapped inside the water in bubble form and would also be incorporated during the agitation steps. Optimization of the concentration of air incorporated would only require routine skill in the art to provide treating fluid that would provide a maximally clean carpet. One of ordinary skill in the art would expect the teachings of Froehlich to possess the claimed air ranges absent unexpected results.

10. Claims 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594), as applied to the claims above, in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec01/ec0074/index.html>), and further in view of Hoxie (US Patent 3,184,781).

Froehlich et al. are relied upon as set forth above.

Froehlich et al. do not teach one gallon containers with removable caps and synthetic applicators with tips comprising scrubbing mechanisms for dispensing and utilizing the compositions.

The website shoplet.com teaches that carpet cleaners currently on the market, such as Resolve® Spot Magic®, are conventionally sold in aerosol cans with detachable caps, nozzles with openings, and canisters with a volume of less than 1 gallon (in this case 14 oz).

Hoxie, in the analogous art of upholstery shampooers (column 2, lines 7-9), teaches attachable heads for aerosol cans (column 1, lines 23-25), which have bristles and sponge foams (column 3, lines 6-73).

It would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al. into the canisters taught by shoplet.com modified with the scrubbing heads of Hoxie et al. for dispensing the cleaning composition since this is conventionally known in the art to be an effective method for packaging, dispensing and utilizing the composition to provide maximal cleaning benefits to carpets and upholstery. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

Response to Arguments

11. Applicant's arguments filed regarding the Froehlich reference and all rejections based on this reference have been fully considered but they are not persuasive.

The applicant argues:

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"Froehlich et al. fail to teach a dispersion stabilizing agent selected from the group consisting of air, cellulosic polymers, starches, clay compounds, xanthan gums, polyacrylic acids and esters, polyacrylamide, polyvinyl alcohol and mixtures thereof, wherein said dispersion stabilizing agent is present in an amount sufficient to produce a stable or easily redispersed dispersion. To the contrary, since Froehlich et al. is directed to powdered cleaning compositions (Abstract), rather than cleaning compositions as claimed by Applicants, one of ordinary skill in the art would not expect Froehlich et al. to teach or suggest a compound which results in a liquid cleaning composition that includes a dispersion stabilizing agent. Additionally, Applicants respectfully submit that, contrary to the assertion made by the Examiner, Froehlich et al. fail to teach or suggest adding air to their powdered cleaning composition. In order to obtain a stable dispersion as taught and claimed by Applicants, significant amount of air would need to be added to the cleaning composition of Froehlich. In doing so, one of ordinary skill in the art would find that the resulting cleaning composition of Froehlich would likely be a foamed cleaning composition. Such a foamed cleaning composition is in direct contrast to the teachings of Froehlich, since the purpose of Froehlich is to provide a powdered cleaning composition. Applicants further submit that, with regard to the teaching of any other dispersion stabilizing agents by Froehlich et al., there is none."

The examiner respectfully disagrees. Froehlich clearly teaches that a cleaning fluid may be prepared from the powdered composition where the powder is combined with 10-70% fluid consisting essentially of water (column 1, lines 40-55; column 3, lines 55-68). The examiner further argues that in the mixing process of the particulate agent and the fluid, the instantly claimed proportions of air would be incorporated into the mixture and the claimed limitations would be met. The patent office is not equipped to perform these measurements, nonetheless one of ordinary skill would expect that the proportion of air would be contained within the composition. The applicant has not provided a showing that the compositions of Froehlich do not contain the claimed proportions of air. The rejections over Froehlich are maintained.

All other rejections comprising Froehlich are also maintained since applicant simply argues that the other references do not correct the deficiencies of Froehlich. The examiner asserts that Froehlich meets the limitations of the instant claims absent a showing to the contrary.

Conclusion

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

AK
April 14, 2007

Lorna M. Douyon
LORNA M. DOUYON
PRIMARY EXAMINER